

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MANUEL CRESPO,

Plaintiff,

- against -

NOTICE OF ACCEPTANCE
OF OFFER OF JUDGEMENT
UNDER FED.R.CIV.P. 68
12 CV 1406 (WHP)

THE CITY OF NEW YORK, JEANBERN REMY,
EARL LYNCH, and JOHN DOE, than names being
fictitious and presently unknown, employees of
the City of New York Police Department,

Defendants.

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PLEASE TAKE NOTICE that plaintiff MANUEL CRESPO accepts defendant
City of New York's Offer of Judgment.

Dated: November 2, 2012
Brooklyn, New York

The Law Office of Matthew Flamm
Attorney for Plaintiff
26 Court Street, Suite 600
Brooklyn, New York 11242
(718) 797-3117



Matthew Flamm

To: Alexandra Corsi
Assistant Corporation Counsel
Attorney for Defendant City of New York

**Defendant City of New York's October 19, 2012
Offer of Judgment Under Fed.R.Civ.P. 68**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MANUAL CRESPO,

Plaintiff,

RULE 68 OFFER OF
JUDGMENT TO PLAINTIFF
MANUEL CRESPO

-against-

THE CITY OF NEW YORK, JEANBERN REMY, EARL
LYNCH, and JOHN DOE, than names being fictitious and
presently unknown, employees of the New York City
Police Department,

12 CV 1406 (WHP)

Defendants.
----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, the City of New York hereby offers to allow Plaintiff Manuel Crespo to take a judgment against it in this action for the total sum of Seven Thousand Five Hundred and One (\$7,501.00) Dollars, plus reasonable attorneys' fees, expenses and costs to the date of this offer for Plaintiff Manuel Crespo's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants City of New York, Detective Jean-Bernard Remy and Detective Earl Lynch, or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted up to and including November 2, 2012.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants City of New York, Detective Jean-Bernard Remy and Detective Earl Lynch, or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that Plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants City of New York, Detective Jean-Bernard Remy and Detective Earl Lynch, their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff in the above-referenced action.

Acceptance of this offer of judgment also will operate to waive Plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff Manuel Crespo agrees that payment of Seven Thousand Five Hundred and One (\$7,501.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for Defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff further agrees to hold harmless

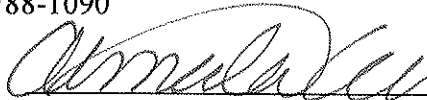
defendants regarding any past and/or future Medicare payments, presently known or unknown made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
October 19, 2012

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
212-788-1090

By:



Alexandra Corsi
Assistant Corporation Counsel
Special Federal Litigation Division

TO: BY HAND
Matthew Flamm, Esq.
Attorney for Plaintiff
26 Court Street, Suite 600
Brooklyn, New York 11242

Docket No. 12 CV 1406 (WHP)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANUEL CRESPO,

Plaintiff,

-against-

THE CITY OF NEW YORK, JEANBERN REMY,
EARL LYNCH, and JOHN DOE, than names being
fictitious and presently unknown, employees of the
New York City Police Department,

Defendants.

**RULE 68 OFFER OF JUDGMENT TO
PLAINTIFF MANUEL CRESPO**

MICHAEL A. CARDOZO

Corporation Counsel of the City of New York

Attorney for Defendants

100 Church Street

New York, New York 10007

Of Counsel: Alexandra Corsi

Tel: (212) 788-1090

NYCLIS No. 2012-008741

Due and timely service is hereby admitted.

New York, New York , 2012

Esq.

Attorney for

**Proof of Service of Plaintiff's November 2, 2012 Acceptance
of Defendant City of New York's October 19, 2012
Offer of Judgment Under Fed.R.Civ.P. 68**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MANUEL CRESPO,

Plaintiff,

- against -

THE CITY OF NEW YORK, JEANBERN REMY,
EARL LYNCH, and JOHN DOE, than names being
fictitious and presently unknown, employees of
the City of New York Police Department,

Defendants.

PROOF OF SERVICE OF
DEFENDANT CITY OF NEW
YORK'S AUGUST 6, 2010 OFFER
OF JUDGMENT UNDER FED.R.
CIV.P. 68 AND PLAINTIFF'S
AUGUST 20, 2010 ACCEPTANCE
12 CV 1406 (WHP)

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STATE OF NEW YORK)
 :SS.:
COUNTY OF KINGS)

MATTHEW FLAMM, declares the following under penalty of perjury
pursuant to 28 U.S.C. §1746:

I am an attorney for plaintiff in the above-entitled action, and that the
attached Offer of Judgment Pursuant to Fed.R.Civ.P. 68, made by the defendant
City of New York, was served on me by hand on October 19, 2012 and that I
served on November 2, 2012 the attached Notice of Acceptance of Rule 68 Offer of
Judgement upon Alexandra Corsi, New York City Law Department, 100 Church
Street, New York, New York 10007, attorney for defendant City of New York that
being the address within the State designated for that purpose, by enclosing
same in a prepaid wrapper in a post office box situated at 26 Court Street,
Brooklyn, New York, regularly maintained by the Government of the United States
in said City

Dated: November 2, 2012
Brooklyn, New York


Matthew Flamm